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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,114	09/09/2003	Andrew Hartmann	71234_0076	2113

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EXAMINER

LEV, BRUCE ALLEN

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,114

Applicant(s)

HARTMANN, ANDREW

Examiner

Bruce A. Lev

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,9 and 11-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 11-38 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 39-43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

BRUCE A. LEV
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

The amendment to the claims filed on November 22, 2004 does not comply with the requirements of 37 CFR 1.121(c) because **claim 23** does not show any changes made, yet it has been shown to be "**Amended**". Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

Claim Objections

Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim 21. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 22 sets forth the *sockets being formed of wear resistant material*, however, that limitation is already set forth within the last lines of previous claim 21.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-28, 31-33, 37, are rejected under 35 U.S.C. ***102(b)*** as being anticipated by ***DeFalco 4,532,973***.

DeFalco sets forth a roll-up door comprising multiple stacked extruded panels (parts of which are formed from materials including plastic, metal, and wood); a hinge assembly (inclusive of members 36 and 38); a pair of wheel assemblies comprising rollers 44 and axles received in a socket (formed by members including 45 and 50) within the panels; a latch assembly (shown in Figure 1) mounted to the bottom panel; wherein the socket is made from wear resistant material; integral socket mounting plates (inclusive of member 38c)

Claims 38 are rejected under 35 U.S.C. ***102(b)*** as being anticipated by ***Machill 4,972,894***.

Machill sets forth a roll-up door comprising multiple stacked panels; a hinge assembly comprising an arcuate projection including a flange portion 26 at one end; and a socket 34 at the other end and including a curved surface and a hook portion 32.

Claim Rejections - 35 USC § 103

Claims 9, 11, and 13-18 are rejected under 35 U.S.C. **103(a)** as being unpatentable over **DeFalco in view of Woernle 2,184,879**.

DeFalco sets forth the roll-up door, as advanced above, except for the latch plate members being recessed. However, **Woernle teaches** attaching latch plate members as being recessed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of DeFalco by recessing the door latch within the door panel, as taught by Woernle, in order to more securely and easily align and connect the latch members to the bottom panel.

Claim 12 is rejected under 35 U.S.C. **103(a)** as being unpatentable over **DeFalco in view of Woernle further in view of Yane 5,421,627**.

DeFalco in view of Woernle set forth the roll-up door, as advanced above, except for the alignment indicia. However, **Yane teaches** the use of alignment indicia within a door latch configuration. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of DeFalco in view of Woernle by incorporating alignment indicia, as taught by Yane, in order to more securely and easily align and connect the latch members to the bottom panel.

Claims 19 and 20 are rejected under 35 U.S.C. **103(a)** as being unpatentable over **DeFalco in view of Woernle further in view of Miller et al 6,431,605**.

DeFalco in view of Woernle set forth the roll-up door, as advanced above, except for the recessed conspicuity reflector. However, ***Miller et al teach*** the use of conspicuity reflectors upon truck members. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of DeFalco in view of Woernle by incorporating a recessed conspicuity reflector, as taught by Miller et al, in order to improve the safety of the assembly.

Claims 29, 30, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***DeFalco in view of Jarvis et al 5,411,782***.

Defalco sets forth the roll-up door, as advanced above, except for the end caps. However, ***Jarvis et al teach*** the use of end caps within a door panel configuration. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of DeFalco by incorporating end caps, as taught by Jarvis et al, in order to removably close the end of the door panels to thereby protect the interior from dirt and moisture while offering access into the interior of the door panels.

Allowable Subject Matter

Claims 2-4 and 39-43 are objected to as being dependent upon a rejected base claim, but ***would be allowable*** if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As concerns **claim 39**, structural limitations pertaining to the **groove** and having a **retainer lip** at the edge; and the **hinge coupler** having a **connector** that **snap-fits into the groove and is retained by the retainer lip**, is not disclosed or suggested by the prior art of record.

Conclusion

Remarks filed November 22, 2004 are deemed moot due to the new grounds of rejection as advanced above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

December 10, 2004

Bruce A. Lev
Primary Examiner
Group 3600

A handwritten signature in black ink, appearing to read 'B. Lev', is written over the printed name and title of the examiner.